

SENATE BILL 8
By Bryson

AN ACT to amend Tennessee Code Annotated, Section 55-10-406, relative to health care providers notifying law enforcement that certain vehicle collisions may be alcohol or drug related.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-406(e), is amended by designating the current language as subdivision (1) and by adding the following language as new subdivisions thereto:

(2) Any provider who, in good faith and in compliance with this subsection, provides notice concerning the alcohol concentration of a person's blood or drug content of a person's blood or urine shall be immune from any civil liability in any action based upon the compliance. The health care provider also shall be immune from any civil liability for participating in any subsequent judicial proceeding relating to the person's compliance.

(3) A health care provider providing medical care to a person in a health care facility shall notify, as soon as reasonably possible, any law enforcement officer present at the health care facility to investigate a collision when such provider:

(A) Has a reasonable belief that the person was the operator of a vehicle involved in a collision; and

(B) Becomes aware, as a result of any blood or urine test performed in the course of medical treatment, that:

(i) The alcohol concentration in the person's blood meets or exceeds the amount specified in § 55-10-401; or

(ii) The person's blood or urine contains one (1) or more drugs that are capable of impairing a person's ability to operate a vehicle in a careful and prudent manner.

(4) If no law enforcement officer is present, the provider may notify the municipal police department or county sheriff in the municipality or county where the collision occurred. If the provider is aware of any blood or urine test result but lacks information to form a reasonable belief as to the identity of the operator involved in a vehicle collision, the provider may give notice to a law enforcement officer present or to the municipal police department or county sheriff, as applicable, for each person involved in a vehicle collision whose alcohol concentration in the person's blood meets or exceeds the amount specified in § 55-10-401, or whose blood or urine contains one (1) or more drugs. A law enforcement officer receiving such notice shall have reasonable grounds to believe that a violation of this part has occurred.

(5) For the purposes of this subsection, unless the context otherwise requires:

(A) "Health care facility" includes any program, institution, place, building, or agency, or portion thereof, private or public, whether organized for profit or not, that is used, operated, or designed to provide medical diagnosis, treatment, or rehabilitative or preventative care to any person.

(B) "Health care provider" or "provider" means a person who is licensed, certified, or otherwise authorized or permitted by law to administer health care in the ordinary course of business or practice of a profession and includes, but is not limited to, those individuals listed in subsection (a)(1).

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.